

meet such needs, including training and technical assistance and the appointment of a national migrant and seasonal Head Start collaboration director and a national Indian Head Start collaboration director.”, and

(2) by adding at the end the following:

“(4)(A) For the purposes of paragraph (3), the Secretary shall conduct an annual consultation in each affected Head Start region, with tribal governments operating Head Start programs and Early Head Start programs.

“(B) The consultations shall be for the purpose of better meeting the needs of Indian children and children of Alaskan Natives, and their families, in accordance with subsections (a), (b), and (c) of section 641, taking into consideration funding allocations, distribution formulas, and other issues affecting the delivery of Head Start services in their geographic locations.

“(C) The Secretary shall publish a notification of the consultations in the Federal Register before conducting the consultations.

“(D) A detailed report of each consultation shall be prepared and made available within 90 days of the annual consultation to all Indian tribes that receive assistance under this subchapter.”.

(f) **ENROLLMENT OF HOMELESS CHILDREN; RULE OF CONSTRUCTION; MATERIALS.**—Section 640 of the Head Start Act (42 U.S.C. 9835) is amended by adding at the end the following:

“(m) **ENROLLMENT OF HOMELESS CHILDREN.**—The Secretary shall issue rules to establish policies and procedures to remove barriers to the enrollment and participation of homeless children in Head Start programs. Such rules shall require Head Start agencies—

“(1) to implement policies and procedures to ensure that homeless children are identified and prioritized for enrollment;

“(2) to allow homeless families to apply to, enroll in and attend Head Start programs while required documents, such as proof of residency, immunization and other medical records, birth certificates and other documents, are obtained within a reasonable time frame; and

“(3) coordinate individual Head Start programs with efforts to implement subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431–11435).

“(n) **RULE OF CONSTRUCTION.**—Nothing in this subchapter shall be construed to require a State to establish a program of early education for children in the State, to require any child to participate in a program of early education, to attend school, or to participate in any initial screening before participating in such program, except as provided under sections 612(a)(3) and 635(a)(5) of the Individuals with Disabilities Education Act.

“(o) **MATERIALS.**—All curricula and instructional materials funded under this subchapter shall be based on scientifically based research, age and developmentally appropriate, and focused on all areas of development (cognitive, social, emotional, and physical), learning (language and literacy, mathematics, science, and creative arts) and approaches to learning. Parents shall be permitted to inspect, upon request, any curricula or instructional materials used to carry out this subchapter.”.

SEC. 6. DESIGNATION OF HEAD START AGENCIES.

Section 641 of the Head Start Act (42 U.S.C. 9836) is amended to read as follows:

“SEC. 641. DESIGNATION OF HEAD START AGENCIES.

“(a) **AUTHORITY TO DESIGNATE.**—The Secretary is authorized to designate as a Head Start agency any local public or private nonprofit agency, including community-based and faith-based organizations, or for-profit agency, within a community, pursuant to the requirements of this section, except that until such time that the Secretary develops and implements the system of application review under this section, the Secretary is authorized to designate as a Head Start agency, any local public or private

nonprofit agency, including community-based and faith-based organizations, or for-profit agency, within a community, in the manner and process utilized by the Secretary prior to the enactment of the Improving Head Start Act of 2007.

“(b) **APPLICATION FOR GRANTS.**—Each entity shall submit a plan to the Secretary, at such time and in such manner as the Secretary may require.

“(c) **DEVELOPMENT OF APPLICATION REVIEW SYSTEM.**—

“(1) **IN GENERAL.**—The Secretary shall develop a system that integrates the recommendations of the expert panel convened under paragraph (3) to determine if a Head Start agency is providing a quality comprehensive early learning program that meets the educational, health, and nutritional needs of the children and families it serves, and meets program and financial management requirements and performance standards described in section 641A(a)(1), based on—

“(A) annual budget data;

“(B) program reviews conducted under section 641A(c);

“(C) annual audits required under section 647;

“(D) classroom quality as measured under section 641A(c)(2)(H); and

“(E) Program Information Report.

“(2) **EXPERT PANEL.**—No later than six months after the enactment of the Improving Head Start Act of 2007, the Secretary shall convene an expert panel of 7 members to make recommendations to the Secretary on the development of a transparent, reliable, and valid system for evaluating grant renewal applications.

“(3) **COMPOSITION OF EXPERT PANEL.**—The Secretary, in convening such panel, shall appoint the following:

“(A) 5 members, who are competent, by virtue of their training, expertise, and experience, in each of at least one of the following areas:

“(i) Early childhood program accreditation or quality assessment.

“(ii) Research on early childhood development.

“(iii) Governance and finance of non-profit organizations.

“(iv) Delivery of services to children and families with limited English proficiency.

“(v) Delivery of services to children with disabilities.

“(B) An employee from the Office of Head Start.

“(C) An executive director of a Head Start agency.

“(4) **EXPERT PANEL REPORT.**—Within 12 months of being convened by the Secretary, the expert panel shall issue a report to the Secretary that provides recommendations on a proposed system of application review that takes into account the criteria in paragraph (1) to evaluate whether a Head Start grantee is meeting mission to provide a high quality comprehensive early education program, including adequately meeting its governance and financial management requirements.

“(5) **PUBLIC COMMENT; REPORT TO CONGRESS.**—No later than 6 months after receiving the report described in paragraph (4), the Secretary shall publish a proposed system of application review in the Federal Register, providing at least 90 days for public comment and shall provide a report to the Education and Labor Committee of the U.S. House of Representatives and the Health, Education, Labor, and Pensions Committee of the U.S. Senate that provides a detailed description of such proposed system, including clear rationale for any differences between the proposed system and the recommendations of the expert panel, if any such differences exist.

“(6) **IMPLEMENTATION OF APPLICATION REVIEW SYSTEM.**—After the Secretary has reviewed all public comments and finalized the system of application review, the Secretary will use this system to determine which grantees are successfully delivering a high quality comprehensive early

education program. Grantees who are determined under such system to be—

“(A) successfully delivering a high quality comprehensive early education program shall be designated a Head Start agency for a period of 5 years;

“(B) under-performing and may enter into an open competition as described in subsection (e); and

“(C) notwithstanding paragraph (B), if an Indian Head Start agency is determined to be underperforming, the Secretary shall engage in government-to-government consultation with the appropriate tribal government or governments for the purpose of establishing a performance enhancement plan for that agency. Such plan is to be developed and implemented within 6 months of the Secretary's determination. Not more than 6 months after implementation of that plan, the Secretary shall re-evaluate the performance of the Indian Head Start agency. If the Indian Head Start agency remains underperforming, the Secretary shall conduct an open competition as described in subsection (e), subject to the following limitations:

“(i) Except as provided in paragraph (ii), a non-Indian Head Start agency may not receive a grant to carry out an Indian Head Start program.

“(ii) In a community in which there is no Indian Head Start agency available for designation to carry out an Indian Head Start program, a non-Indian Head Start agency, on an interim basis, may receive a grant to carry out an Indian Head Start program, but only until such time as an Indian Head Start agency in such community becomes available.

“(d) **TRANSPARENCY, RELIABILITY, AND VALIDITY.**—The Secretary shall ensure the system of application evaluation is fair, consistent, and transparent and applied in a manner that designates, in a timely manner grantees as Head Start agencies for a period of 5 years if such grantees are providing a high quality comprehensive early education program. The Secretary shall periodically evaluate whether the criteria are being applied in a manner that is transparent, reliable, and valid.

“(e) **DESIGNATION WHEN NO ENTITY HAS PRIORITY.**—

“(1) **IN GENERAL.**—If no entity in a community is determined to be successfully delivering a high quality comprehensive early education program, as specified in subsection (c), the Secretary shall, after conducting an open competition, designate for a 5-year period a Head Start agency from among qualified applicants in such community.

“(2) **CONSIDERATIONS IN DESIGNATION.**—In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall consider the effectiveness of each such applicant to provide Head Start services, based on—

“(A) any past performance of such applicant in providing services comparable to Head Start services, including how effectively such applicant provided such comparable services;

“(B) the plan of such applicant to provide comprehensive health (including mental and behavioral health), educational, nutritional, social, and other services needed to prepare children to succeed in school and in life;

“(C) the plan of such applicant to attract and retain qualified staff capable of delivering a high quality comprehensive early education program, including demonstrating the ability to provide adequate salary and benefits to maintain a high quality staff;

“(D) the ability of such applicant to maintain child-teacher ratios and family service worker caseloads that reflect best practices and are tied to high quality service delivery;

“(E) the capacity of such applicant to serve eligible children with curriculum and teaching practices that are based on scientifically based research, are developmentally appropriate, and that promote the school readiness of children participating in the program;